



1633

PATENT  
Docket No. 546322000320

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
MAIL STOP: ART UNIT 1633, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on September 16, 2003.

LILLIA OLSEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael Wayne GRAHAM and Robert  
Norman RICE

Serial No.: 09/997,905

Filing Date: November 30, 2001

For: CONTROL OF GENE EXPRESSION

Examiner: To Be Assigned

Group Art Unit: 1633

RECEIVED  
SEP 25 2003  
TECH CENTER 1600/2900

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents marked with an asterisk (\*) were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/100,812, filed June 19, 1998, (now US Patent No. 6,573,099) accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \* is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 546322000320. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 15, 2003

Respectfully submitted,

By: Michael R. Ward  
Michael R. Ward  
Registration No. 38,651

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

Form PTO-1449 <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number <b>546322000320</b>	Application Number <b>09/997,905</b>
	Applicant Michael Wayne GRAHAM and Robert Norman RICE	
	Filing Date <b>November 30, 2001</b>	Group Art Unit <b>1633</b>
	Mailing Date <b>September 16, 2003</b>	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	9/29/1998	* 5,814,500	Dietz			
	2.	1/14/2003	* 6,506,559	Fire et al.			
	3.	7/4/2002	* 2002/0086356 A1	Tuschl et al.			
	4.	8/22/2002	* 2002/0114784 A1	Li et al.			
	5.	2/6/2003	* 2003/0027783 A1	Zernicka-Goetz			

**RECEIVED**  
 SEP 25 2003  
 TECH CENTER 1600/2900

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	5.	6/9/1999	* EP 0 921 195 A1	EP			
	6.	8/7/2002	* EP 1 229 134 A1	EP			
	7.	11/26/1998	* WO 98/53083	WIPO			
	8.	1/13/2000	* WO 00/01846	WIPO			
	9.	10/26/2000	* WO 00/63364	WIPO			
	10.	4/26/2001	* WO 01/29058	WIPO			
	11.	5/25/2001	* WO 01/36646	WIPO			
	12.	1/18/2001	* WO 01/04313	WIPO			
	13.	7/5/2001	* WO 01/48183	WIPO			
	14.	11/22/2001	* WO 01/88114	WIPO			
	15.	6/6/2002	* WO 02/44321	WIPO			
	16.	1/23/2003	* WO 03/006477	WIPO			

## OTHER DOCUMENTS

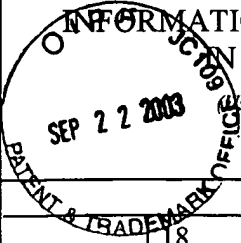
(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	17.	* Billy, E. et al. (2001) "Specific interference with gene expression induced by long, double-stranded RNA in mouse embryonal teratocarcinoma cell lines." Proceedings of the National Academy of Sciences of the United States of America 98(25): 14428-33.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449		Docket Number <b>546322000320</b>	Application Number <b>09/997,905</b>
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> (Use several sheets if necessary) 		Applicant Michael Wayne GRAHAM and Robert Norman RICE	
		Filing Date <b>November 30, 2001</b>	Group Art Unit <b>1633</b>
		Mailing Date <b>September 16, 2003</b>	
	18.	* Brummelkamp, R. et al. (2002) "A System for Stable Expression of Short Interfering RNAs in Mammalian Cells" Science Vol. 296: 550-553.	
	19.	* Dykxhoorn, D. et al. (2003) "Killing the Messenger: Short RNAs that Silence Gene Expression." Nature Reviews Molecular Cell Biology Vol.4: 457-467.	
	20.	* Elbashir, S.M. et al. (2001) "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells." Nature 411(6836): 494-8.	
	21.	* Fire, A. (1999) "RNA-triggered gene silencing" Trends Genet. 15(9): 358-363.	
	22.	* Good, et al. (1997) "Expression of small, therapeutic RNAs in human cell nuclei" Gene Ther. 4(1): 45-54.	
	23.	* Grant, Sarah R. (1999) "Dissecting the Mechanisms of Posttranscriptional Gene Silencing: Divide and Conquer" Cell 96: 303-306.	
	24.	* Matzke, Marjori A. and A. J. M. Matzke (1995) "How and Why Do Plants Inactivate Homologous (Trans)genes" Plant Physiol. 107: 679-685.	
	25.	* McKenzie, et al. (1999) Transplantation, Science Inc.: 827-874.	
	26.	* Selker (1999) "Gene Silencing: repeats that count" Cell 97(2): 157-160.	
	27.	* Svoboda, P. et al. (2000) "Selective reduction of dormant maternal mRNAs in mouse oocytes by RNA interference." Development 127(19): 4147-4156.	
	28.	* Yang, S. et al. (2001) "Specific double-stranded RNA interference in undifferentiated mouse embryonic stem cells." Molecular and Cellular Biology 21(22): 7807-16.	
<b>RECEIVED</b> SEP. 25 2003 TECH CENTER 1600/2900			
EXAMINER:		DATE CONSIDERED:	
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.			